

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/15/2024
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAMON JONES, on behalf of himself and all	:	
others similarly situated,	:	
	:	
Plaintiff,	:	23-CV-7756 (VEC)
	:	
-against-	:	<u>ORDER</u>
	:	
LEE & LOW BOOKS, INC.,	:	
	:	
Defendant.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS on March 27, 2024, Plaintiff filed a proposed order to show cause why default judgment should not be entered and supporting papers, *see* Dkts. 24–26;

WHEREAS in those papers, Plaintiff sought an order certifying a class and sub-classes under “Fed. R. Civ. P. b)(2) and/or (b)(3),” Dkt. 26, though Plaintiff had not moved for class certification;

WHEREAS on April 4, 2024, the Court denied without prejudice the relief requested through the proposed order and supporting papers at docket entries 24 through 26, *see* Order, Dkt. 27;


WHEREAS the Court ordered Plaintiff, by no later than Thursday, April 11, 2024, to either (a) file a letter indicating whether he intends to make a proper motion to certify a class or (b) seek default judgment solely on his own behalf by filing an amended proposed order to show cause, *id.*; and

WHEREAS Plaintiff neither filed a letter regarding class certification nor sought default judgment solely on his own behalf;

IT IS HEREBY ORDERED that Plaintiff must show cause, by no later than **Tuesday, April 23, 2024**, why this action should not be dismissed without prejudice for failure to prosecute.

SO ORDERED.

Date: April 15, 2024
New York, New York



VALERIE CAPRONI
United States District Judge